

DELTA PROTECTION COMMISSION

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**AGENDA ITEM # 9**

November 6, 1998

To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: Legislative Update (For Commission Information Only)

This is a final report on the status of bills that have been chaptered or vetoed during the 1997-98 legislative session; all dead bills have been omitted.

WATER**AB 609: Margett: RECYCLED WATER**

Recycled water producers, retail water suppliers, and entities responsible for groundwater replenishment would be allowed to cooperate in joint studies to determine the feasibility of providing recycled water service and recycled water for groundwater replenishment. The environmental benefits of recycled water include a reduced demand for water in the Sacramento-San Joaquin Delta.

STATUS: Chaptered on 7/20/98 (Chapter 164, Statutes of 1998)

AB 921: Wayne: RECYCLED WATER

The Dept. of Health Services would not be authorized to issue a permit to a public water system or amend a valid existing permit for the use of a reservoir as a source of supply that is directly augmented with recycled water, unless it does all of the following: performs an engineering evaluation of the proposed treatment technology and finds that this technology will ensure that the recycled water meets or exceeds all applicable drinking water standards and poses no significant threat to human health; and holds at least three duly noticed public hearings in the area where the recycled water is proposed to be used or supplied for human consumption.

STATUS: Chaptered on 8/17/98 (Chapter 295, Statutes of 1998)

SB 1033: Sher: PUBLIC WATER SYSTEMS: PUBLIC HEALTH GOALS: PERCHLORATE

The State Department of Health Services (DHS) would be required to adopt a primary drinking water standard for perchlorate found in public water systems within 6 months of the office and the department determining there is sufficient data of a prescribed nature. In addition, the bill would require DHS, on or before July 1, 1999, to prepare and submit a report to the Legislature that summarizes the number of public water systems that have detected perchlorate, and the actions

being taken to reduce the amount of contamination. The office and the department would be required to report every 6 months on their progress in obtaining sufficient data.

STATUS: VETOED BY GOVERNOR, 9/17/98

SB 1765: Costa: COLORADO RIVER MANAGEMENT PROGRAM

Existing law requires the Colorado River Board of California to investigate past, present, and potential uses of Colorado River water within and without the state. This bill would appropriate \$235,000,000 from the General Fund for the purpose of implementing the "California Plan" developed by the Colorado River Board, and \$300,000 from the General Fund to the Salton Sea Authority to conduct a study relating to the All American Canal. \$200,000,000 will be used for lining the All American Canal and its Coachella Branch, \$35,000,000 will be used for conjunctive use programs' facilities, and the \$300,000 would be used to conduct a study of seepage and subsurface inflows to the Salton Sea from these lining projects.

STATUS: Chaptered on 9/25/98 (Chapter 81, Statutes of 1998)

SB 2103: Haynes: RECYCLED WATER

This bill would establish the procedures for a customer to request recycled water service, for establishing the rate for that recycled water service, for resolving disputes between the customer and his or her retail water supplier, relating to the supply of that recycled water service, and for enforcing those procedures.

STATUS: Chaptered on 9/23/98 (Chapter 753, Statutes of 1998)

ENVIRONMENT

AB 1625: Richter: FISH AND GAME: PENALTIES

Existing law makes it a crime to place or plant any live fish, fresh or salt water animal, or aquatic plant in any waters of this State without first obtaining written permission from the Department of Fish and Game; this bill would make the *attempt* of that crime also unlawful. A fine of up to \$20,000 would be imposed, and imprisonment in the county jail for no more than 6 months for each violation would be authorized.

STATUS: Chaptered on 9/14/98 (Chapter 431, Statutes of 1998)

SB 1363: Alpert: MARINE RESOURCES

The Department of Fish and Game (DFG) would be required to conduct and support research to obtain essential fishery information for all marine fisheries managed by the State. In addition, DFG would be authorized to establish a program to place observers onboard commercial and charter fishing vessels to gather data on selected state and federally managed commercial recreational fisheries and on marine predation. DFG would be authorized to contract with the University of California, the California State University, and other specified entities to obtain observer services, and to implement an equitable fee system to fund this observer program.

STATUS: VETOED BY GOVERNOR, 9/17/98

AGRICULTURE

AB 1058: Cardoza, Kelley: MILK MARKETING

Existing law prohibits a dairy cow farm that was marketing market milk on Aug. 1, 1996, from marketing manufacturing milk, but permits it to elect to market manufacturing milk for the 12-month period beginning Jan. 1, 1997, or the 12-month period beginning Jan. 1, 1998, or for both of those time periods. This bill would continue that existing law beyond Jan. 1, 1999, by eliminating that repeal date. It would permit a dairy farm to elect annually on Jan. 1 to market manufacturing milk for a 12-month period.

STATUS: Chaptered on 5/5/98 (Chapter 33, Statutes of 1998)

AB 1998: Thomson: AGRICULTURAL CHEMICAL REDUCTION PILOT DEMONSTRATION PROJECTS

The University of California(UC) is required under existing law to establish a program of pilot demonstration projects designed to provide services, training, and financial incentives for participating farms to reduce their use of chemicals for agricultural production; however, these provisions do not apply unless the Regents of the UC, by resolution, make them applicable. This bill would repeal the provisions that make the program operative only upon the adoption of a resolution by the Regents and, instead, establishes the Sustainable Agriculture Research and Education Program within the UC.

STATUS: Chaptered on 9/14/98 (Chapter 434, Statutes of 1998)

AB 2283: Assembly Committee on Agriculture: PEST CONTROL

Existing law provides for the appointment of a county agricultural commissioner in each county who, among other things, is responsible for the enforcement of pest control laws and regulations within that county. This bill would authorize the commissioner, when a pest emergency is declared, to enter into a mutual aid agreement with other counties for the purpose of sharing staff, equipment, expertise, information, and other resources necessary to eradicate the pests.

STATUS: Chaptered on 9/28/98 (Chapter 870, Statutes of 1998)

LAND USE

SB 1182: Costa: AGRICULTURAL LAND: PRESERVATION PROGRAMS: FARMLAND SECURITY ZONES

Existing law, known as the California Land Conservation Act of 1965 (Williamson Act), authorizes a city or county, by contract, to limit the uses of land to agricultural uses or as an agricultural preserve in exchange for reduced property taxes. SB 1182 would make technical changes in provisions of law relating to subventions of state funds to replace reduced property taxes. It would authorize 2 or more landowners to petition a county board of supervisors to convert a contract or contracts entered into pursuant to the Act to a new contract designating the property as a farmland security zone (FSZ) , and would specify the type of land to which this

designation would apply. The initial term of a FSZ contract shall be no less than 20 years, and each contract shall provide for yearly automatic extensions unless a notice of nonrenewal is given.
STATUS: Chaptered on 8/24/98 (Chapter 353, Statutes of 1998)

SB 2227: Monteith: LAND CONSERVATION CONTRACTS

Any county receiving open-space land subventions shall require the local agency formation commission to supervise open-space programs by taking certain actions when the commission considers approval of a city annexation of land subject to a Williamson Act contract.
STATUS: Chaptered on 9/18/98 (Chapter 590, Statutes of 1998)

LEVEES

SBX1 8: Johannessen: STREAMBED ALTERATIONS

Current law requires a governmental agency or public entity to submit prescribed plans and other information to the Department of Fish and Game, and requires those entities and other persons to follow prescribed procedures concerning a project that will affect a river, stream, or lake designated by the department, except certain emergency work. This bill would also include within that exception work subsequently performed to restore the conditions existing prior to the emergency.
STATUS: Chaptered 9/15/98 (Chapter 9, Statutes of 1997-98 First Extraordinary Session)

FLOOD/DISASTER RELIEF

AB 2023: Gallegos: FLOOD CONTROL AND WATER CONSERVATION: LIABILITY

Neither a public agency that operates flood control and water conservation activities, nor its employees, shall be liable for an injury caused by the condition of streambeds or adjacent groundwater recharge spreading grounds if, at the time of the injury, the person was using the property for any purpose other than that for which the public agency intended it to be used. Subject to certain conditions, and does not exonerate the agency from liability under a number of other circumstances.

STATUS: Chaptered on 9/21/98 (Chapter 659, Statutes of 1998)

AB 2105: Machado: DEPT. OF WATER RESOURCES: DISASTER OPERATIONS

The Department of Water Resources (DWR) would be authorized to encourage the development of flood-fighting plans by local flood control agencies, by outlining specific flood-fighting strategies, reviewing the plans for consistency and technical appropriateness, and acting as a central depository for the plans. DWR would be authorized to use these flood-fighting plans for responding to the threatened or actual failure of a levee or other flood control structure.
STATUS: VETOED BY GOVERNOR, 9/29/98

AB 2510: Strom-Martin: DISASTER RELIEF

The flooding that began on Feb. 2, 1998, would be added to the list of disasters eligible for 100% of total State eligible costs under the Natural Disaster Assistance Act.

STATUS: Chaptered on 9/29/98 (Chapter 947, Statutes of 1998)

SB 1477: Kopp and Prenter: STORM REPAIR: LOCAL STREETS AND HIGHWAYS

Under existing law, various requirements are imposed on a city or county receiving funds for street and highway purposes from specified appropriations; this bill would repeal those provisions. Also, \$300,000,000 would be appropriated from the State Highway Account in the State Transportation Fund to the Controller for allocation to counties and cities for street and highway reconstruction, and repair of storm damage to local streets and highways, and for other purposes related to transportation.

STATUS: VETOED BY GOVERNOR, 9/30/98

STATE AGENCIES

AB 2573: Machado: STATE WATER RESOURCES CONTROL BOARD: DECISIONS AND ORDERS: JUDICIAL REVIEW

Existing law authorizes the party aggrieved by any decision or order of the State Water Resources Control Board to file a petition for a writ of mandate for review of the decision or order not later than 30 days from the date of the Board's final action. Existing law provides that, if no aggrieved party petitions for a writ of mandate within the time provided, the decision or order of the Board is not subject to review by any court. This bill would provide that the election by the United States not to be a party in any court case involving the review of a decision or order by the Board relating to a permit or license to appropriate water held by the state or the United States shall not, in and of itself, be a basis for dismissal of that case.

STATUS: Chaptered on 8/24/98 (Chapter 345, Statutes of 1998)

SB 1075: Johnston: DELTA PROTECTION COMMISSION

Various clarifying and technical changes would be made to the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992, and would extend the sunset date of the Delta Protection Commission to Jan. 1, 2010.

STATUS: Chaptered on 9/18/98 (Chapter 584, Statutes of 1998)

SB 1652: Kopp: SECRETARY OF STATE: DOCUMENT FILING

Existing law requires that various documents be filed with, or maintained by, the Secretary of State. This bill would delete the requirement that certain documents be filed or maintained by the Secretary of State and would require instead that these documents be filed with, or maintained by, a designated state agency, state officer, county clerk, county board of supervisors, or other local officer, as appropriate. Sections 46 and 47 of this bill amend the Public Resources Code to require that "Delta Protection Zones" maps of the Delta's legal primary and secondary zones

currently filed with and maintained by the Secretary of State be filed with and maintained by the State Lands Commission instead.

STATUS: Chaptered on 9/25/98 (Chapter 829, Statutes of 1998)

SB 2005: Kopp: PERMIT STREAMLINING ACT

Under the Permit Streamlining Act, a state or local agency and a public agency that is the lead agency for a development project are required to act upon an application for a development project within specified time periods prescribed by the act and may not include a waiver of these time periods as a condition of accepting or processing the application for a development permit. This bill would add the term “extension” to these provisions. The bill would also declare the legislature’s intent to clarify that this act does not provide for the application of the common law doctrine of waiver by either its purpose or its language. Existing law authorizes a lead agency to waive specified time limits where a combined EIR/EIS is being prepared on a development project; this bill would repeal this authority.

STATUS: Chaptered on 8/10/98 (Chapter 283, Statutes of 1998)